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Compliance Assessment and Enforcement Activities

Annual Report
April 1, 2000 - March 31, 2001

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Executive Summary

This report represents the compliance assessment and enforcement activities of Alberta Environment for the 2000-2001 fiscal year. In total, 81,153 proactive compliance assessments were carried out, including 73,158 unannounced site or field inspections, 647 unannounced audits and 7,348 reviews of compulsory reports or other mandatory document submissions. The proactive compliance initiatives undertaken by Alberta Environment identified a uniformly high rate of compliance across all regulatory areas administered by the department.

In total, 5,833 charges were laid for offences under the legislation administered by Alberta Environment during 2000-2001. Charges that were concluded in 2000-2001 resulted in fines totalling more than $1 million. An additional $396,833 in administrative penalties was assessed by the department for less serious regulatory offences. The department issued 245 orders and 2,175 written warnings to compel parties to meet regulatory standards.

Subsequent reporting periods will differentiate between the compliance assurance work of Alberta Environment and Alberta Sustainable Resource Development, which was formed in March 2001. Alberta Environment continues to administer the *Environmental Protection and Enhancement Act* and the *Water Act*, and Alberta Sustainable Resource Development regulates fisheries, wildlife, forestry resources, and administers public lands within Alberta.

Acknowledgements

The information in this report reflects the efforts of the compliance assurance staff of Alberta Environment and the Public Lands Division of Agriculture, Food, and Rural Development and demonstrates their continued efforts in pursuit of consistent, fair, and effective enforcement of Alberta's environmental, renewable resource and public lands legislation.

The Regulatory Assurance Division thanks Don Gelinas, Faye Hutchings, Quentin Isley, Todd Letwin, and Yvonne Lloyd for their contributions to the preparation of this report.

The contributions of regional compliance staff in assembling the information on Alberta Environment's compliance assurance activities for the 2000-2001 fiscal year, as well as projections for these activities for the coming year are also gratefully acknowledged.

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Table of Contents

Introduction 1

1.0 Measuring Success 3
1.1 Environmental Protection 3
1.2 Fisheries, Wildlife and Parks 4
1.3 Forest Management 4
1.4 Water Management 4

2.0 Compliance Statistics 5
2.1 Prosecutions 6
2.2 Administrative Penalties 8
2.3 Remedial Orders 8
2.4 Written Warnings 9
2.5 Appeals 9
Table 1 2000-2001 Enforcement Summary 10

3.0 Proactive Compliance Assessments 11
3.1 Environmental Protection Legislation 12
3.2 Public Lands Legislation 13
3.3 Exploration Legislation 13
3.4 Forestry Legislation 14
3.5 Fisheries Legislation 15
3.6 Wildlife Legislation 15
3.7 Provincial Parks Legislation 16
3.8 *Water Act* Compliance Assessments 16
Table 2 Compliance Assessments 17

4.0 Meeting Alberta Environment's Compliance Assurance Challenges 19
4.1 Educational Initiatives 19
4.2 Alternative Regulatory Initiatives 20

5.0 Compliance Assurance Initiatives and Highlights 21
5.1 Operation Cleanwater 21
5.2 Natural Resource Protection Special Investigations 22

Appendix **Acts, Regulations and Codes of Practice administered by Alberta Environment** 23

Compliance Assessment and Enforcement Activities

Annual Report
April 1, 2000 - March 31, 2001

This report focuses on the compliance assurance activities undertaken by Alberta Environment (AENV) during the 2000-2001 fiscal year. The report also includes the compliance assurance activities undertaken by the Public Lands Division (PLD) of Alberta Agriculture, Food, and Rural Development (AFRD), in partnership with AENV, to ensure compliance with Alberta's public land use legislation. Proactive compliance assessments (inspections, audits and reviews[1]) are conducted by AENV to verify compliance with the statutory obligations of the department's regulated clients. When compliance cannot be achieved, or the offence is of a serious nature, enforcement action may result. In the interest of fairness, AENV strives for clarity of the compliance directions given to regulated stakeholders. The department pursues consistent enforcement response in order to provide a measure of guarantee that similar offences are dealt with in the same manner.

The overall goal of AENV's compliance assurance program is to maintain a high level of compliance with the environmental and natural resource legislation of Alberta. This is pursued in the regulated community through education of statutory obligations, prevention of non-compliance through a heightened awareness of environmental responsibilities, and by fostering a spirit of co-operation between the regulator and the regulated parties. Equally important is the certainty within the regulated community that AENV has a credible and effective enforcement program which is called into action when education and prevention are not sufficient to achieve compliance with the legislation. The components of the compliance assurance program – education, prevention and enforcement – are equally important to the success of the program.

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[1] **Inspection** - a site/field evaluation of a regulated activity to verify those specified requirements are being met.
Audit - a site/field examination conducted to verify that the methods and procedures of data gathering and/or collection meet all quality assurance/quality control criteria of designated methods.
Review - a function that evaluates compulsory monitoring reports, registrations, records and other required submissions for compliance with the requirements of a statute, approval, Code of Practice or regulation.

This report also outlines the compliance assurance initiatives planned for the 2001-2002 fiscal year where this information is available.

1.0 Measuring Success

This is AENV's third year of tracking and reporting the results of its proactive compliance assessment activities. This brief time span precludes a detailed statistical analysis of compliance trends. However, it is evident from examining the total number of contacts with regulated parties versus the number of offences requiring an enforcement response that there is high level of compliance overall with the legislation administered by the department.

Detailed information on enforcement activities undertaken by Alberta Environment can be accessed at: **www.gov.ab.ca/env/protenf.html**

1.1 Environmental Protection

Most non-compliance with authorizations issued under the *Environmental Protection and Enhancement Act* (EPEA) are minor in nature, are rectified voluntarily or in co-operation with the department, and have little or no potential for environmental impact. High rates of compliance will continue to be achieved through clear and consistent authorizations and a proactive compliance assessment program.

The majority of enforcement responses identified under EPEA reflect the reactive side of the department's compliance assurance business for this regulatory area. The importance of identifying non-compliance with the legislation via information from routine complaints, contacts initiated by informants or other agencies, and mandatory reporting under EPEA cannot be overstated. Where non-compliance with an approval or authorization is brought to the attention of AENV, all of the circumstances of the contravention are evaluated to establish whether the regulated party was duly diligent in its efforts to comply with the terms of the authorization. Alberta Environment, through effective compliance assessment initiatives, also helps to ensure that companies and individuals operating in compliance with EPEA are not disadvantaged by competitors who deliberately circumvent the legislation in order to achieve a competitive advantage.

1.2 Fisheries, Wildlife and Parks

Non-compliance with the fisheries, wildlife and parks legislation is generally identified through proactive compliance checks of individuals. In most instances, non-compliance brings an immediate enforcement response. Reports of offences through the "Report-A-Poacher" program, agency referrals, and other sources of information also account for investigative and enforcement activities but are deemed a reactive response to non-compliance.

The high number of users checked (over 230,000 individuals in the 2000-2001 fiscal year) versus the number of offences identified show a rate of compliance consistently in the range of 95 to 98 per cent. This high rate of compliance with the legislation suggests the prominent profile and ongoing education efforts of AENV's Conservation Officers and the effectiveness of their enforcement program all contribute to the protection of Alberta's fisheries, wildlife and parks.

1.3 Forest Management

Land and Forest Service's (LFS) proactive compliance assessments indicate that most of the activity taking place on crown land is in compliance with the legislation, policy, disposition authorities or operating conditions. Where problems are encountered, most non-compliance is resolved through corrective action that may include remedial work undertaken by the regulated party. The extent to which enforcement action is required is minor compared to the overall amount of activity taking place on crown lands in Alberta.

1.4 Water Management

The process for establishing proactive compliance assessment targets was under development during this reporting period. Therefore, compliance assessments were primarily conducted on the basis of chance encounter rather than specific or targeted activities and are dealt with as "reactive" compliance evaluations.

2.0 Compliance Statistics

The type of enforcement response for infractions of the legislation administered by AENV is a reflection of the severity of the offence. The enforcement activities undertaken by AENV for this reporting period are summarized in the following sections and in "Table 1 - Enforcement Summary." All legislation administered by AENV includes provisions for enforcement responses. The enforcement data in Table 1 includes the number of charges laid, charges concluded, administrative penalties, remedial orders and written warnings issued during the report period. It also includes charges pending at end of the 2000-2001 fiscal year. It is important to note that most enforcement actions under EPEA occurred in response to a specific event and are not generally connected with the proactive compliance assurance program.

The legislation administered by AENV during the 2000-2001 fiscal year is listed in "Appendix A - Acts, Regulations and Codes of Practice" and addresses the following:

1. Environmental management and protection strategies, including emission standards, reclamation, and pollution prevention and control.
   - Enforcement action is commonly in response to violations of EPEA, its regulations, authorizations or Codes of Practice.

2. Protection and management of Alberta's water resources.
   - Enforcement action may be taken in response to unauthorized modifications to waterbodies and unauthorized water diversions.

3. Protection of Alberta's natural resources including wildlife, fish, and protected areas.
   - Enforcement is commonly taken in response to illegal harvesting and possession of fish or wildlife, and disrupting the peaceful enjoyment of provincial parks/recreation areas.

4. Managing public lands and ensuring the wise use, integration of multiple land uses, and protection from unauthorized activity on Crown lands.

- Enforcement of public lands legislation is commonly in response to violations of authorizations and the unauthorized use of Crown lands.

5. Sustainable management and protection of forests.
   - Enforcement is commonly in response to violations of legislation designed to protect the landscape against fire, insects and disease, and failure to comply with the terms of authorizations associated with the harvesting of timber and fire permit requirements.

2.1 Prosecutions

Summary of Charges Laid

During the 2000-2001 fiscal year, a total of 7,192 charges were laid under the legislation administered by Alberta Environment.

A summary of these charges, listed by legislative grouping, is as follows:

- 167 charges under EPEA legislation;
- 1,957 charges under fisheries legislation;
- 1,584 charges under wildlife legislation;
- 154 charges under forestry legislation;
- 550 charges under provincial parks legislation;
- 2,772 charges under other acts and regulations enforced by AENV. See "Appendix A - Acts, Regulations and Codes of Practice" for a complete listing of legislation in this category.

Charges Concluded[2]

During the 2000-2001 fiscal year, a total of 5,833 charges for infractions of legislation administered by AENV were concluded resulting in fines totalling $1,110,034 and 14 jail days assessed. The following is a summary of the charges concluded and the resulting convictions and sentences (penalty dollars, jail days and suspensions) in 2000-2001. Creative sentencing penalty amounts are

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[2] This data should not be interpreted to mean conviction rates. The number of *convictions* arising from *charges concluded* may be low. A regulated party may have a number of charges laid against them, but only be convicted of one charge with the remaining charges being withdrawn, stayed, or dismissed.

included in the monetary penalty totals and reflect the cash-value equivalent of the creative sentence[3].

The numbers expressed for "charges" relates to charges laid during this report period. Some charges were concluded while some may be "pending" and awaiting resolution. The numbers given for "convictions" may represent the outcome for charges laid in previous as well as the current report period.

- 122 charges were concluded under EPEA, resulting in $384,752 in penalties. Penalties assessed for a total of 54 convictions resulted in fines of $379,692 for prosecutions, and a further $5,060 in penalties resulted from summary conviction by ticketing. Two separate prosecutions resulted in fines in excess of $310,000 for substance releases into the environment. No jail days for offences under EPEA were assessed.

- 1,562 charges were concluded under fisheries legislation resulting in 1,351 convictions. This resulted in $184,694 in penalties, nine court or legislatively imposed license suspensions and three jail days.

- 1,239 charges were concluded under wildlife legislation resulting in 951 convictions. This resulted in $275,897 in penalties, 177 court or legislatively imposed license suspensions and no jail days.

- 107 charges were concluded under forestry legislation resulting in 95 convictions and $7,500 in penalties.

- 429 charges were concluded under provincial parks legislation resulting in 368 convictions and $16,030 in penalties.

- 2,374 charges were concluded under other acts and regulations that are enforced by AENV. These charges resulted in 2,004 convictions, $241,161 in penalties and 10 jail days being assessed.

One appeal of sentence was initiated by the Crown. The appeal was overturned and all charges against the defendant were dismissed.

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[3] Upon conviction under EPEA, and in addition to any other penalty, the court may impose an order on the guilty party having any or all of the effects described in S.220(1) of EPEA and is referred to in this report as a "creative sentence."

2.2 Administrative Penalties

An administrative penalty is a monetary penalty assessed in response to an incidence of non-compliance. One administrative penalty may include a number of violations by a regulated party.

In 2000-2001, a total of 164 administrative penalties totalling $396,833 were assessed under AENV's legislation, including:

- 31 administrative penalties issued under EPEA. Thirty of these resulted in $160,000 in penalty assessments.
- 24 administrative penalties issued under forestry legislation resulting in $63,555 in penalty assessments.
- 52 administrative penalties issued under public lands legislation resulting in $100,783 in penalty assessments.
- 57 administrative penalties issued under the *Mines and Minerals Act*, Exploration Regulation, resulting in $72,495 in penalty assessments.

2.3 Remedial Orders

Orders are used to compel a regulated party to remedy a contravention and, where appropriate, require actions to prevent future contraventions. Remedial orders can be issued under EPEA, the *Forests Act, Water Act, Public Lands Act* and *Provincial Parks Act* which are presented in "Table 1 - Enforcement Summary." Orders issued under the *Provincial Parks Act* are typically for eviction.

In 2000-2001, a total of 265 remedial orders were issued under legislation administered by AENV, including:

- 13 remedial orders issued under EPEA including:
  - 2 Enforcement Orders;
  - 1 Enforcement Order for Waste;
  - 10 Environmental Protection Orders;
- 244 remedial orders issued under the provincial parks legislation;
- 8 remedial orders under the *Water Act.*

2.4 Written Warnings

Written warnings are used as a deterrent and to create a record of a contravention. After a written warning is issued, subsequent non-compliance may lead to a more significant enforcement response.

In 2000-2001, a total of 2,156 written warnings were issued pursuant to legislation administered by AENV, including:

- 76 written warnings issued under EPEA;
- 46 written warnings issued under the *Water Act*;
- 706 written warnings issued under fisheries legislation;
- 547 written warnings issued under wildlife legislation;
- 43 written warnings issued under forestry legislation;
- 283 written warnings issued under provincial parks legislation;
- 49 written warnings issued under public lands legislation;
- 406 written warnings issued under other acts and regulations enforced by AENV.

2.5 Appeals

Appeals of orders, administrative penalties, and prosecutions are shown in "Table 1 - Enforcement Summary."

At present, only EPEA and the *Water Act* have provisions for regulated parties to appeal an order or administrative penalty to an independent body. All prosecutions can be appealed to a higher court.

There were two appeals of administrative penalties during the 2000-2001 fiscal year. One administrative penalty was resolved in favour of the appellant, the other resulted in the withdrawal of the appeal and the penalty was paid.

In 2000-2001, the Crown filed one appeal of sentence. The appeal was ultimately dismissed.

Table 1
Enforcement Activities

LEGISLATION	Charges Laid	Charges Concluded	Convictions	Pending	Prosecution Penalties $$	Jail Days	Suspensions	Appeals	Court Orders	Written Warnings	Admin Penalties	Admin. Penalty $$ Assessed	Orders
EPEA and Regs Subtotal	**167**	**119**	**54**	**37**	**$384,752.50**	**0**	**0**	**3**	**0**	**74**	**31**	**$160,000.00**	**13**
EPEA	106	82	51	37	$320,252.50	0	0	3	0	58	30	$160,000.00	13
Pesticides Sales, Handling,....	4	20	1		$14,500.00	0	0			3			0
Waste Control Regulation	55	16	1			0	0			13	1		0
Substance Release Regulation		1	1		$50,000.00								
Dangerous Goods Transportation and Handling Act	**4**	**3**				**0**	**0**						**0**
Occupational Health and Safety 448/83	1			1		0	0			2			0
***Fisheries Act* and Regs Subtotal**	**1,957**	**1,562**	**1,381**	**395**	**$184,694.00**	**3**	**10**	**0**	**0**	**706**	**0**	**0**	**0**
Fisheries (Alberta) Act	382	297	256	85	$25,528.00	0	1	0	0	267			0
General Fisheries (Alberta) Regulation	35	31	24	4	$3,783.00	0	1	0	0	19			0
Fisheries Act (federal)	59	37	26	22	$7,797.00	0	0	0	0	11			0
Alberta Fishery Regulation	1,481	1,197	1,043	284	$147,586.00	3	8	0	0	409			0
***Wildlife Act* and Regs Subtotal**	**1,594**	**1,239**	**961**	**345**	**$276,897.00**	**0**	**177**	**0**	**0**	**547**	**0**	**0**	**0**
Wildlife Act	1,374	1,075	801	299	$248,789.00	0	176	0	0	312			0
Wildlife Act Regulations	204	159	146	45	$24,998.00	0	0	0	0	228			0
Migratory Birds Regulation	3	3	3	0	$630.00	0	1	0	0	7			0
Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (federal)	3	2	1	1	$1,500.00	0	0	0	0	0			0
Forestry Acts and Regs Subtotal	**184**	**107**	**85**	**47**	**$7,500.00**	**1**	**0**	**0**	**0**	**43**	**24**	**$63,554.91**	**0**
Forests Act	38	27	25	11	$1,715.00	1				8	5	$10,659.91	
Forest and Prairie Protection Act	5	4	4	1	$1,415.00								
Timber Management Regulation											19	$52,895.00	
Forest Land Use Zone Regulation	9	9	9	0	$772.00					35			
Forest Recreation Regulation	102	67	57	35	$3,598.00								
***Provincial Parks Act* and Regs Subtotal**	**560**	**426**	**368**	**121**	**$16,030.00**	**0**	**0**	**0**	**0**	**283**	**0**	**0**	**244**
Provincial Parks Act	1	1	1	0	$100.00								
Provincial Parks Act: General Regulations	548	428	367	120	$15,930.00					282			244
Wilderness Areas, Ecological Reserves and Natural Areas Act	1	0		1						1			
***Public Lands Act* Subtotal**	**0**	**0**	**0**	**0**	**n/a**	**0**	**0**		**0**	**49**	**52**	**$100,783.50**	**0**
Public Lands Act	0	0	0	0		0	0		0	49	52	$100,783.50	0
***Mines and Minerals Act* and Regs Subtotal**	**0**	**0**	**0**	**0**	**n/a**	**0**	**0**	**0**	**0**		**57**	**$72,495.00**	**0**
Exploration Regulation	0	0	0	0		0	0	0	0		57	$72,495.00	0
***Water Act* Subtotal**	**0**	**0**	**0**	**0**		**0**		**0**	**0**	**46**	**0**	**0**	**8**
Water Act	0	0	0	0		0		0	0	46	0	0	8
Other Acts and Regs Subtotal	**2,773**	**2,374**	**2,004**	**396**	**$341,161.00**	**10**	**1**	**0**	**0**	**406**	**0**	**0**	**0**
Controlled Drugs & Substance Act	2	2											0
Criminal Code	52	32	6	20	$902.00		1			5			0
Boating Restrictions Regulations	3	3	2	0	$150.00				0	1			0
Gaming and Liquor Act	852	709	502	143	$77,537.00	3				81			0
Gaming and Liquor Regulation	612	561	485	51	$55,071.00					9			0
Highway Traffic Act	280	242	214	38	$15,905.00					71			0
Motor Vehicle Administration Act	349	313	248	36	$56,971.00					42			0
Off-Highway Vehicle Act	447	409	371	38	$26,481.00					122			0
Off-Highway Vehicle Regulation	25	25	24	0	$759.00					6			0
Petty Trespass Act	3	1	1	2	$100.00					2			0
Provincial Offences Procedures Act	102	37	17	65	$2,174.00	7							0
Small Vessel Regs	45	40	34	5	$5,111.00					67			0
TOTALS	**7,188**	**5,533**	**4,523**	**1,344**	**$1,110,834.50**	**14**	**188**	**3**	**0**	**2,156**	**184**	**$388,833.41**	**265**

3.0 Proactive Compliance Assessments

Alberta Environment (AENV) and the Public Lands Division (PLD) of Alberta Agriculture, Food and Rural Development (AFRD) annually plan the number of proactive compliance assessments (inspections, reviews and audits) they will do each year. This forms the basis of the annual Compliance Assessment Plan. A summary of compliance assessments performed during 2000-2001 and a forecast for 2001-2002 is presented in "Table 2 - Compliance Assessments."

The Compliance Assessment Plan helps educate regulated parties about their statutory obligations and assists in determining the rate of compliance with the legislation administered by AENV. Compliance assessments target specific regulated activities based on the following criteria, as drawn from the Compliance Assurance Principles:

- A broad range of regulated activities and operations will be assessed for compliance;
- Over the long term, a sample of each regulated community will be assessed;
- Targets set for particular activities/operations will be based on environmental/resource management priorities as determined by the following:
  a) risk to the resource or environment associated with a particular activity/operation;
  b) the history of compliance of the regulated parties associated with the activity/operation;
  c) information on trends and emerging issues determined from strategic analysis; and,
  d) set goals for the number and types of assessments to be conducted annually.

Planning and delivery of the annual Compliance Assessment Plan is managed regionally by AENV and the Public Lands Division of AFRD. Local expertise and knowledge ensure that local resource management and environmental issues are taken into account when the Compliance Assessment Plan is developed.

It is important to note that compliance assessments planned for 2001-2002 are not based on what was achieved during the prior period (2000-2001). Instead, compliance assessments reflect the resource management and environmental priorities as identified by the above bulleted criteria (see Table 2).

A summary of the compliance assessment activities completed during 2000-2001 and those targeted for 2001-2002 is provided in the following sections.

3.1 Environmental Protection Legislation

During the fiscal year 2000-2001, Environmental Service (ES) compliance staff conducted a total of 11,459 compliance assessments of activities regulated under EPEA (3,656 inspections, 466 audits and 7,337 reviews). These activities are described in further detail below.

- **Industrial Facilities:** 5,207 compliance assessments (185 inspections, 4,860 reviews and 162 audits) were completed; 4,978 assessments (188 inspections, 4,556 reviews and 234 audits) are planned for 2001-2002.

- **Code of Practice Facilities:** 74 compliance assessments (inspections only) were completed; 72 inspections are projected for Code of Practice facilities for 2001-2002.

- **Municipal Facilities:** 668[4] compliance assessments (364 inspections, 304 audits) were completed; 628 compliance assessments (316 inspections, 312 audits) are planned for 2001-2002.

- **Pesticides:** 170 compliance assessments (inspections only) were completed for pesticide applicators, retail outlets, etc.; 176 inspections are projected for 2001-2002.

- **Solid Waste Management Facilities:** 135 compliance assessments (inspections only) were performed in 2000-2001; 98 inspections are projected for 2001-2002.

- **Conservation and Reclamation:** 5,205 compliance assessments (2,728 inspections and 2,477 reviews of applications) were conducted for activities regulated under the Conservation and Reclamation Regulation of EPEA.[5]

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[4] Data for "Reviews" is not available for this reporting period and the total assessments achieved may be significantly higher with the inclusion of this data. Similarly, projected activities for 2001-2002 do not include "Review" data at this time.

[5] This aspect of AENV's business is market-driven, therefore it precludes forecasting. Therefore, the number of applications for reclamation certificates, and projections for inspections and reviews are not expressed.

3.2 Public Lands Legislation

The Land and Forest Service (LFS) and Public Lands Division (PLD) conducted a total of 12,956 compliance assessments under the *Public Lands Act* during the 2000-2001 fiscal year. These activities included:

- **Oil and gas dispositions and power transmission line corridors;** 11,441 compliance assessments (inspections) were completed during the 2000-2001 fiscal year. One hundred per cent of all dispositions will be inspected at least once prior to expiry.

- **Surface material dispositions:** 595 compliance assessments (inspections) were completed during 2000-2001. One hundred per cent of all dispositions will be inspected at least once prior to expiry.

- **Recreation dispositions:** 48 compliance assessments (inspections) were completed during 2000-2001. One hundred per cent of all dispositions will be inspected at least once prior to expiry.

- **Agricultural dispositions:** 808 compliance assessments (inspections) were completed during 2000-2001. One hundred per cent of all dispositions will be inspected at least once prior to expiry.

- **Misc. public dispositions:** 64 compliance assessments (inspections) were concluded for a variety of public lands during 2000-2001.

3.3 Exploration Legislation

Compliance assessment activities carried out for this category are conducted under the *Mines and Minerals Act* and the Exploration Regulation.[4]

- ***Mines and Minerals Act* and the Exploration Regulation:** 1,092 inspections related to oil and gas exploration were conducted during 2000-2001. One hundred per cent of all dispositions will be inspected at least once prior to expiry.

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[4] This aspect of AENV's business is market-driven, it precludes forecasting.

3.4 Forestry Legislation

The Land and Forest Service (LFS) conducts compliance assessment activities to verify compliance with the *Forests Act* and regulations; the *Forest and Prairie Protection Act* and regulations, and the *Forest Reserves Act* and regulations (see Appendix).

A total of 4,173 compliance assessments (3,981 inspections, 181 audits and 11 reviews) were completed on timber harvesting and related activities regulated under the *Forests Act* and regulations for 2000-2001, including:

- **Truck check inspections:** 386 inspections completed.
- **Log storage areas:** 56 inspections completed.
- **Manufacturing Inspections:** 175 inspections completed, as follows: 108 inspections of non-weigh scale saw mills and 67 weigh scale record inspections.
- **Check-Scaling:** 206 inspections completed.
- **Mill Studies:** 69 inspections completed, as follows: 8 weigh scale operations if excess waste is suspected and 61 non weigh scale operations.
- **Purchase Checks:** 8 inspections were completed.
- **Forest Area Timber Production Monitoring Plans:** 11 reviews completed.
- **Timber Dispositions:** 3,081 inspections completed, representing a minimum of one annually for active dispositions.
- **Compliance and Production Audits:** 181 audits were performed.

Targets for compliance assessment activities for the 2001-2002 fiscal year include 4,635 planned inspections and audits for activities carried out under the *Forests Act.* However, a significant portion of LFS's compliance assessment business precludes projection because of the reactive nature of the work.

3.5 Fisheries Legislation

The compliance assurance activities related to Alberta's fisheries are one aspect of the proactive checks conducted by Natural Resource Service (NRS) staff over the course of the 2000-2001 fiscal year. Some enforcement actions resulted in multiple charges.

- **Anglers:** 64,440 anglers were checked during 18,595 recreational fisheries inspections (patrols). A total of 2,832 charges were laid.
- **Commercial fishing operations:** 363 commercial fishing operations were checked (1,972 commercial fishery inspections) resulting in 16 charges laid.
- **Fish processing facilities:** 18 inspections were conducted at 14 fish processing facilities with no resulting enforcement actions.
- **Subsistence fishers:** 488 inspections of subsistence fishers were completed resulting in 15 charges laid.

A total of 13,907 compliance assessments are projected under the fisheries legislation for 2001-2002.

3.6 Wildlife Legislation

The compliance assurance activities for Alberta's wildlife legislation are conducted by NRS. Some enforcement actions resulted in multiple charges.

- **Hunters:** 36,237 recreational hunters were checked over the course of 12,751 inspections conducted during 2000-2001. Resulted in 1,018 charges laid.
- **Subsistence hunting activities:** 296 checks of subsistence hunters were conducted for this reporting period, resulting in six charges laid.
- **WAPRIITA:** 162 inspections were completed for activities regulated under the *Wild Animal and Plant Protection and Regulation of International and Inter-provincial Trade Act* (federal). No resulting enforcement actions.
- **Commercial operators:** 748 inspections of commercial operators were completed with no resulting enforcement actions.

- **Wildlife facilities:** 25 inspections of zoos, game farms, elk farms, etc. resulting in 3 charges laid.

A total of 14,642 compliance assessments are projected under the wildlife legislation for 2001-2002.

3.7 Provincial Parks Legislation

The legislation regulating provincial parks is administered by the Natural Resource Service (NRS). Some enforcement actions resulted in multiple charges.

- **Inspections/park patrols:** 81,561 individual contacts were made while conducting 15,890 patrols during the 2000-2001 fiscal year, resulting in 1,829 charges laid.

- **Land-use dispositions:** 350 inspections were conducted within provincial parks with no resulting enforcement actions.

Projections for compliance assessment activities for Provincial Parks for the 2001-2002 fiscal year will not be reported by AENV. Alberta Community Development is responsible for Provincial Parks as of March 2001.

3.8 *Water Act* Compliance Assessments

The proactive compliance assessment plan for evaluating compliance with the *Water Act* continues to evolve. In previous years, compliance was assessed on a reactive basis, not by conducting proactive inspections, establishing targets or goals for compliance assessments to be performed annually.

During fiscal year 2001-2002, specific targets have been established for verifying compliance with authorizations granted for activities carried out under the *Water Act*. A total of 124 field inspections of these activities and 117 compulsory report reviews are targeted for compliance evaluation for the 2001-2002 fiscal year. Surface water diversions account for 95 on-site inspections and 47 documentary reviews to verify compliance with license conditions, and groundwater diversion projects are represented by 26 inspections and 36 reviews of compulsory reporting documents to verify compliance with licence conditions.

LEGISLATION/ REGULATED ACTIVITIES	2000/2001 COMPLIANCE ASSESSMENT TARGETS			2000/2001 COMPLIANCE ASSESSMENTS CONDUCTED			2001/2002 COMPLIANCE ASSESSMENT TARGETS		
	Inspection	Review	Audit	Inspection	Review	Audit	Inspection	Review	Audit
EPEA									
INDUSTRIAL FACILITIES	480	4556	105	185	4880	182	188	4556	234
CODE FACILITIES / ACTIVITIES	31	n/a	n/a	74	n/a	n/a	72	n/a	n/a
MUNICIPAL FACILITIES (water/waste water)	735	**	n/a	364	n/a	304	316	n/a	312
PESTICIDE ACTIVITIES	182	n/a	n/a	170	n/a	n/a	176	n/a	n/a
SOLID WASTE MGT. FACILITIES	185	n/a	n/a	135	n/a	n/a	98	n/a	n/a
CONS. & REC. ACTIVITIES	320	2477	n/a	2,728	2477	n/a	*	*	n/a
TOTALS	1,913	7,033	105	3,856	7337	486	850	4556	546
***PUBLIC LANDS ACT* & REGS**									
*** INDUSTRIAL/COMMERCIAL	*	n/a	n/a	11,441	n/a	n/a	100% of all dispositions will be inspected at least once prior to expiry.		
SURFACE MATERIALS	*	n/a	n/a	595	n/a	n/a			
RECREATION	*	n/a	n/a	48	n/a	n/a			
AGRICULTURE (Grazing)	*	n/a	n/a	808	n/a	n/a			
MISC. PUBLIC	*	n/a	n/a	64	n/a	n/a			
TOTALS	*	n/a	n/a	12,956	n/a	n/a	n/a	n/a	n/a
EXPLORATION REGS*									
SEISMIC	*	n/a	n/a	1,053	n/a	n/a	100%*	n/a	n/a
SEISMIC (ROAD ALLOWANCES)	*	n/a	n/a	39	n/a	n/a	50%*	n/a	n/a
TOTALS	*	n/a	n/a	1,092	n/a	n/a	n/a	n/a	n/a
***FORESTS ACT* & REGS**									
TIMBER & RELATED	3,366	n/a	37	3,981	11	181	**	**	**
TOTAL	3,366	n/a	37	3,981	11	181	**	**	**
***WILDLIFE ACT* & REGS**									
RECREATIONAL ANGLING	11,800	n/a	n/a	18,595	n/a	n/a	13,507	n/a	n/a
COMMERCIAL OPERATIONS	200	n/a	n/a	1,972	n/a	n/a	301	n/a	n/a
SUBSISTENCE FISHERMAN	800	n/a	n/a	488	n/a	n/a	31	n/a	n/a
FACILITIES	200	n/a	n/a	18	n/a	n/a	68	n/a	n/a
TOTAL	12,800	n/a	n/a	21,073	n/a	n/a	13,907	n/a	n/a
***WILDLIFE ACT* & REGS**									
RECREATIONAL HUNTERS	5,300	n/a	n/a	12,751	n/a	n/a	13,092	n/a	n/a
SUBSISTENCE HUNTERS	400	n/a	n/a	296	n/a	n/a	563	n/a	n/a
WAPPRIITA INSPECTIONS	Not Projected	n/a	n/a	182	n/a	n/a	n/a	n/a	n/a
COMMERCIAL OPERATORS	800	n/a	n/a	748	n/a	n/a	784	n/a	n/a
FACILITIES	200	n/a	n/a	25	n/a	n/a	193	n/a	n/a
TOTAL	6,700	n/a	n/a	13,982	n/a	n/a	14,842	n/a	n/a
***PARKS ACT* & REGS**									
RECREATION	23,000	n/a	n/a	15,890	n/a	n/a	n/a	n/a	n/a
DISPOSITION HOLDERS	200	n/a	n/a	350	n/a	n/a	n/a	n/a	n/a
TOTAL	23,200	n/a	n/a	16,240	n/a	n/a	n/a	n/a	n/a
***WATER ACT* & REGS**	No projections made for 2000-2001 proactive compliance assessment program under development.			Compliance was assessed where potential non-compliance was encountered. The proactive compliance assessment program was under development during 2000-2001. Reviews and Audits are not targeted.					
ACTIVITIES (2001-2002)							124	117	
SURFACE DIVERSIONS (2001-2002)							95	47	
GROUNDWATER DIVERSIONS (2001-2002)							26	36	
APPROVALS (2000-2001)				54			This information now targeted according to "Activity", "Surface Diversions", and "Groundwater Diversions" (above).		Audits not targeted.
OPERATIONS (2000-2001)				67					
CODES OF PRACTICE (2000-2001)				4					
LICENCES (2000-2001)				38					
OTHERS (2000-2001)				15					
TOTAL				178			245	200	

• These activities are not forecast. All dispositions will be inspected at least once prior to expiry.

•• Information not available for this report.

••• Combined oil & gas/power transmission activities for 2000-2001.

WAPPRIITA: means "*Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*" *(federal)*.
n/a means "not applicable"
Note: Differences in how compliance assurance activities under the *Water Act* were reported for 2000-2001, and projections for 2001-2002 reflect changes in how this information will be reported in the future. Information about inspections, audits and reviews will become more detailed.

4.0 Meeting Alberta Environment's Compliance Assurance Challenges

Alberta Environment is accountable to both the public and the regulated community. The department's compliance assurance principles reflect the approach of AENV to achieve it's compliance assurance business. The credibility of AENV's compliance assurance work is tied to the effective and far-sighted protection and management of the resources for which the department is responsible. Compliance assurance program initiatives and regulatory streamlining will ensure effective service to all stakeholders.

Continuing and expanded educational efforts for both the regulated community and the public is the greatest single tool available to the department to achieve its compliance assurance goals. Alberta Environment strives to provide a high standard of education about statutory responsibility to the regulated community. Once educated, regulated clients are also better prepared to undertake their own initiatives to exceed the minimum regulatory standards required and to foster environmental stewardship within their community. Continued education and access to information will serve to expand the public's awareness of environmental and resource management issues. Regulatory streamlining and program initiatives that reflect the dynamic nature of the environment itself will heighten AENV's credibility within the community.

4.1 Educational Initiatives

The Compliance Assurance Education/Communications Project is moving AENV closer to full implementation of the department's compliance assurance principles by developing a strategic approach to the educational needs of the department. Alberta Environment is committed to elevating the priority of compliance education activities where there is:

- a need to increase compliance;
- significant potential impact associated with non-compliance; and,
- the ability to influence behaviour.

This focus affirms AENV's commitment to education and prevention as the primary tool in reducing or preventing non-compliance with the legislation.

4.2 Alternative Regulatory Initiatives

An example of a regulatory initiative under development is the Alberta Leaders Environmental Approval Document (LEAD) program. A growing awareness and acknowledgement of environmental stewardship with a view to sustainable development provides AENV with opportunities to consider a less prescriptive and more performance-oriented approach to achieving the department's compliance assurance goals. This project draws together AENV, its high-achieving regulated clients, and the public into a meaningful partnership that will benefit Alberta's environment. This program allows for innovation and a re-focus of the regulatory system. A good compliance record is a prerequisite for program entry. Some key objectives and related benefits of the LEAD program are:

- Encourage regulated parties to voluntarily institute practices, procedures, or programs directed toward improving (and going beyond) compliance with the legislation administered by AENV, resulting in improvements to environmental quality and natural resource sustainability.
- Performance that exceeds regulatory standards with significant, measurable performance goals.
- Public transparency through a more comprehensive and balanced public record about environmental and natural resource compliance achievements and related performance initiatives.

By undertaking education initiatives, establishing innovative regulatory strategies, and fostering partnerships among all stakeholders, AENV intends to advance its compliance assurance goals.

5.0 Compliance Assurance Initiatives and Highlights

Operation Cleanwater and Natural Resource Protection Special Investigations, as shown in the following sections, are examples of AENV's compliance assessment highlights for the 2000-2001 fiscal year.

5.1 Operation Cleanwater

During the week of October 23, 2000, AENV and the City of Calgary jointly conducted unannounced inspections of commercial and industrial operations whose stormwater enters Nose Creek, a tributary of the Bow River. The Bow River supports a world-renowned trout fishery. The goal of these inspections was to improve the overall quality of stormwater entering the creek, educate area businesses about their statutory obligations under EPEA, and to change behaviour where non-compliance with the legislation was identified.

All businesses in the target area were visited door-to-door, with no specific targeted businesses or industries identified prior to the launch of the program. A total of 269 businesses were canvassed, with 33 per cent in contravention of some aspect of the Waste Control Regulation. The most frequently encountered offence was a lack of secondary containment for stored hazardous wastes and hazardous recyclable materials. Additionally, deficiencies such as secure storage and posting signs identifying hazardous waste storage areas were also common.

Ninety notices of non-compliance were subsequently issued to offending companies. On re-inspection, after allowing the offending parties to voluntarily come into compliance, virtually all identified issues were successfully addressed. No serious offences were identified that warranted an enforcement response. The program received a favourable response from the business community under inspection and provided AENV with the opportunity to educate them about their statutory obligations to EPEA.

5.2 Natural Resource Protection Special Investigations

Operation Alberta Bound was a joint forces operation between the government's of Alberta and Saskatchewan. Conservation Officers, in both jurisdictions, investigated a major ring of businesses trafficking in large volumes of illegally obtained walleye. Upon sentencing in court, seven businesses in Calgary and Edmonton received penalties of up to $28,000 each and total fines exceeded $177,000.

The final trial for Operation Bronx also took place this year. Six accused faced a thirty-count indictment for fish trafficking and gill netting activities in the High Prairie area. This was the first instance of fisheries violations being prosecuted by way of indictment in Alberta. Indictable offences are considerably more serious than summary offences and carry heavier sentences. The accused were found guilty of 24 of the 30 charges against them. This brought Operation Bronx to a close with a total of $177,575 in penalties and 26 months imprisonment.

Sentencing took place for some of the individuals charged during Operation Duckfoot, an investigation into large-scale wildlife trafficking and related illegal hunting activities. In the course of this operation, a covert agent working for the Special Investigations Section heard of up to 258 moose killed by one group annually in support of large-scale big game marketing. Another group said they had killed 20 to 30 moose in a single week. To date, fines for this operation total $29,412 and 55 months imprisonment for illegally trafficking in wildlife.

The use of forensics was critical in a successful fisheries investigation this year. Conservation Officers, acting under search warrant, seized packages appearing to contain fish fillets after receiving information that an individual allegedly had illegal walleye in his possession. Due to the condition of the fillets, it was impossible to determine species and size so the packages were sent to Sustainable Resource Development's wildlife forensic lab. The lab was able to determine the fish were walleye and, through measurements and calculations of muscle bands in the fillets, proved they were under the legal size limit. The individual was fined $2,400. This new ability, coupled with a capability to undertake wildlife DNA analysis, is providing Conservation Officers with highly effective tools in the prosecution of natural resource crime.

Appendix A

Acts, Regulations and Codes of Practice administered by Alberta Environment

Environmental Protection and Enhancement Legislation

Environmental Protection and Enhancement Act

- Activities Designation Regulation
- Administrative Penalty Regulation
- Approvals and Registrations Procedure Regulation
- Beverage Container Recycling Regulation
- Conservation Easement Registration Regulation
- Conservation and Reclamation Regulation
- Environmental Protection & Enhancement (Miscellaneous) Regulation
- Environmental Assessment (Mandatory and Exempted Activities) Regulation
- Environmental Assessment Regulation
- Lubricating Oil Material Recycling and Management Regulation
- Ozone-Depleting Substances Regulation
- Pesticide (Ministerial) Regulation
- Pesticide Sales, Handling, Use and Application Regulation
- Potable Water Regulation
- Release Reporting Regulation
- Substance Release Regulation
- Tire Recycling and Management Regulation
- Waste Control Regulation
- Wastewater and Storm Drainage Regulation
- Wastewater and Storm Drainage (Ministerial) Regulation
- Code of Practice for Landfills
- Code of Practice for Oil Production Sites
- Code of Practice for Compost Facilities
- Code of Practice for Pesticides
- Code of Practice for Exploration Operations
- Code of Practice for Small Vegetable Processing Plants
- Code of Practice for Small Fish Farms and Fish Processing Plants
- Code of Practice for Tanker Truck Washing Facilities
- Code of Practice for Discharge of Hydrostatic Test Water from Hydrostatic Testing of Petroleum Liquid and Natural Gas Pipelines
- Code of Practice for Asphalt Paving Plants

Code of Practice for Small Meat Processing Plants
Code of Practice for Foundries
Code of Practice for Concrete Producing Plants
Code of Practice for Compressor and Pumping Stations and Sweet Gas Processing Plants
Code of Practice for Hydrologic Tracing Analysis Studies

Forestry Legislation

Forests Act

Forest Land Use and Management Regulation
Forest Land Use and Management Regulation
Forest Recreation Regulation
Scaling Regulation
Timber Management Regulation
Timber Regulation

Forest and Prairie Protection Act

Forest and Prairie Protection Regulation (Part I)
Forest and Prairie Protection Regulation (Part II)
Forest Protection Area Regulation

Forest Reserves Act

Forest Reserves Regulation

Land Agents Licensing Act

Land Agents Licensing Regulation

Mines and Minerals Act

Exploration Regulation
Metallic and Industrial Minerals Exploration Regulation

Public Lands Legislation

Public Lands Act

Dispositions and Fees Regulation

Fisheries Legislation

Fisheries (Alberta) Act (proclaimed November 1, 1997)

General Fisheries (Alberta) Regulation
Fisheries (Ministerial) Regulation

Fish Marketing Act

Fisheries Act **(federal)**
Alberta Fishery Regulation

Wildlife Legislation

Wildlife Act

Wildlife Regulation

Federal Migratory Bird Convention Act
Migratory Bird Regulation

Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act **(federal)**

Provincial Parks Legislation **(Natural Heritage Legislation)**
Provincial Parks Act
Dispositions Regulations
General Regulation

Wilderness Areas, Ecological Reserves and Natural Areas Act

Willmore Wilderness Park Act

Water Management Legislation

Water Act

- Water (Ministerial) Regulation
- Water (Offences and Penalties) Regulation
- Code of Practice for the Temporary Diversion of Water for Hydrostatic Testing of Pipelines
- Code of Practice for Pipelines and Telecommunication Lines Crossing A Water Body
- Code of Practice for Watercourse Crossings

Other Legislation

Criminal Code **(federal)**

Provincial Offences Procedures Act

Petty Trespass Act

Highway Traffic Act

Motor Vehicle Administration Act

Off Highway Vehicle Act

- Off Highway Vehicle Regulation

Liquor Control Act

Gaming and Liquor Act

Canada Shipping Act **(federal)**

- Boating Restrictions Regulations
- Small Vessel Regulations